

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 10, 2021

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Ricks, Senators Lodge, Lee, Thayn, Zito, Burgoyne, and Wintrow

ABSENT/ EXCUSED: Senator Anthon

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lakey** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:35 p.m.

MINUTES APPROVAL: **Senator Ricks** moved to approve the Minutes of January 27, 2021. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

VOTE ON GUBERNATORIAL APPOINTMENT: **Senator Thayn** moved to send the Gubernatorial Appointment of Ted Pulver to the Sexual Offender Management Board for a term commencing January 21, 2021, and expiring on January 1, 2024, to the floor with a recommendation that he be confirmed by the Senate. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Lakey passed the gavel to Vice Chairman Ricks.

H 27 **Relating to the Appointment of One Additional District Judge Position With Resident Chambers in Canyon County.** **Chairman Lakey** stated that this legislation would provide for another district judge in Canyon County, helping to lessen the current heavy case loads. Each time a judge is added, the statute must be changed.

MOTION: **Senator Burgoyne** moved to send **H 27** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

DISCUSSION: **Senator Lee** asked that the record show that her husband is currently serving as a magistrate judge.

Senator Lee encouraged the judges to share personnel, such as court reporters, among each other and not have an individual assigned to one specific judge. She stated that is a better use of resources.

PASSED THE GAVEL: Vice Chairman Ricks passed the gavel to Chairman Lakey.

- RS 28430** **Relating to an Amendment to the United States Constitution Asking That the Supreme Court Be Comprised of Nine Justices.** **Senator Steve Vick** explained that the Supreme Court has been comprised of nine judges for more than 150 years and this legislation would put that number in the Constitution, encouraging Congress to make that change. Former Attorney General Eric Holder, who worked for President Obama, has asked the new Biden administration to use their new majority to impact federal courts. There are Legislators from both sides of the political aisle that are opposed to court packing. **Senator Vick** stated that our system of checks and balances has worked for a long time and court packing would disrupt that system.
- DISCUSSION:** **Senator Burgoyne** commented that he was concerned about the potential for political games that could occur if the court numbers were to change. He stated that limiting the justices to nine only addresses part of the issue. The other issue is assuring that any advantages one side or the other now has is not permanently locked in.
- MOTION:** **Senator Burgoyne** moved to send **RS 28430** to print. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.
- RS 28451C1** **Relating to the Definition of Rape Based on the Relationship of the Parties.** **Senator Melissa Wintrow** stated that this legislation would repeal Idaho Code § 18-6107 that provides certain limitations on the crime of rape involving a married couple. **Senator Wintrow** indicated that she sought an Attorney General's opinion and the repeal would not negatively impact any other part of Code as long as section 18-6101 is amended to exclude anyone lawfully married in subsection 1 and 2 where statutory rape is defined. This amendment recognizes lawful marriages of minors who could otherwise be charged with statutory rape.
- MOTION:** **Senator Lee** moved to send **RS 28451C1** to print. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.
- RS 28500** **Relating to Fees for Residential Tenants.** **Senator Ali Rabe** explained that this legislation encourages landlords to enumerate all fees in lease agreements and make sure those fees are reasonable. It is intended to ensure that industry practices are complied with in code, and that all parties are protected upon signing a lease agreement.
- MOTION:** **Senator Ricks** moved to send **RS 28500** to print. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.
- ADJOURNED:** There being no further business at this time, **Chairman Lakey** adjourned the meeting at 1:54 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary